## ***REMARKS***

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-22 are now present in this application. Claims 1, 11 and 12 are independent.

By this Amendment, claims 21 and 22 are added, and claims 1, 2, 4-12, 16 and 20 are amended. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

### ***Priority Under 35 U.S.C. § 119***

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

### ***Rejection Under 35 U.S.C. § 102***

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Allport (U.S. Patent 6,567,984). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action and is not being repeated here.

A prior art reference anticipates the subject matter of a claim when that reference discloses every feature of the claimed invention, either explicitly or inherently. *See In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and *Hazani v. Int'l Trade Comm'n*, 126 F.3d

1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element operates as theorized by the Examiner, inherency may not be established by probabilities or possibilities. What is inherent, must necessarily be disclosed. *See In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

During patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984).

Moreover, as stated in MPEP § 707.07(d), where a claim is refused for any reason relating to the merits thereof, it should be "rejected" and the ground of rejection fully and clearly stated.

Additionally, findings of fact and conclusions of law by the USPTO must be made in accordance with the *Administrative Procedure Act*, 5 U.S.C. § 706(A), (E) (1994). *See Zurko v. Dickinson*, 527 U.S. 150, 158, 119 S.Ct. 1816, 1821, 50 USPQ2d 1930, 1934 (1999).

A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not merely probably or possibly present. *See Rosco v. Mirro Lite*, 304 F.3d 1373, 1380, 64 USPQ2d 1676 (Fed. Cir. 2002). The dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior reference's teaching that every claim feature or limitation was disclosed in that single reference. *See Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368, 66 USPQ2d 1801 (Fed. Cir. 2003).

Allport does not disclose or suggest the features positively recited in claims 1-20, as

amended. As amended, claim 1 positively recites a combination of features, including separating AV broadcast signals and data broadcast signals from digital television broadcast signals of at least one channel; selectively mixing the AV broadcast signals and the data broadcast signals according to a display setup request inputted by an input unit; providing the selectively mixed signals directly to a first display unit; and providing the selectively mixed signals via a home network to at least one display unit other than the first display unit and other than the input unit. Independent claims 11 and 12 include similar features in a varying scope.

Allport only discusses a home network in terms of viewing information related to the state of a consumer's home appliances (col. 1, lines 38-49) and not in terms of providing broadcast signals or data broadcast signals of a digital television channel via a home network, in general, or providing the selectively mixed signals directly to a first display unit; and providing the selectively mixed signals via a home network to at least one display unit other than the first display unit and other than the input unit, as recited.

Accordingly, Allport does not disclose the invention recited in independent claims 1, 11 or 12, or recited in dependent claims 2-10 and 13-20.

Reconsideration and withdrawal of this rejection of claims 1-20 are respectfully requested.

***New Claims 21 and 22***

Claims 21 and 22 have been added for the Examiner's consideration.

Claims 21 and 22 depend from claims 1 and 12, respectively, and are considered allowable

over the applied art at least because of the reasons stated above regarding the patentability of claims 1 and 12.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46, 472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

EHC/RJW/mat

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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